

# **ROWE PLANNING BOARD**

## **Rules for Hiring Outside Consultants**

**Purpose.** As provided by G.L. Ch. 44 §53G, the Rowe Planning Board may impose reasonable fees for the employment of outside consultants, engaged by the Planning Board, for specific expert services. Such services shall be deemed necessary by the Planning Board to come to a final decision on an application submitted to the Planning Board pursuant to the requirements of: the Town of Rowe Zoning Bylaws, Town of Rowe Subdivision Regulations, or any other state or municipal statute, bylaw or regulation, as they may be amended or enacted from time to time. The Planning Board may also impose fees for other consultant services, related to application review, or permit conditioning or monitoring, under any of the above-referenced laws or regulations.

**Special Account.** Funds received pursuant to these rules shall be deposited with the town treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Planning Board without further appropriation as provided in G.L. Ch. 44 §53G. Expenditures from this account shall be made only in connection with a specific project or projects for which a consultant fee has been collected from the applicant. Expenditures of accrued interest may also be made for these purposes.

**Consultant Services.** In hiring outside consultants, the Planning Board may engage engineers, planners, lawyers, designers, or other appropriate professionals able to assist the Planning Board and to ensure compliance with all relevant laws, ordinances, by-laws and regulations. Specific consultant services may include but are not limited to analysis of applications, title searches, mapping of lot and/or municipal boundaries and/or rights-of-way, and environmental or land use law. Services may also include on-site monitoring during construction, or other services related to the project deemed necessary by the Planning Board. The consultant shall be chosen by, and report only to, the Planning Board and/or its administrator.

**Notice.** The Planning Board shall give written notice to the applicant of the selection of an outside consultant. Such notice shall state the identity of the consultant, the amount of the hourly rate or estimated fee to be charged to the applicant, and a request for payment of said amount in its entirety. Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five days of the date notice is given.

**Payment of Fee.** The estimate must be received prior to the initiation of consulting services. The Planning Board may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Planning Board within ten (10) business days of the request for payment, or refusal

of payment, shall be cause for the Planning Board to deny the permit application. An appeal stops the clock on the above deadline; the countdown resumes on the first business day after the appeal is either denied or upheld. A denial for lack of information may be based solely on the lack of the third party consultant review identified as necessary by the Planning Board. The Planning Board shall specify in its denial the nature of the information lacking which its chosen consultant would provide, e.g. the questions it needs answered.

**Appeals.** The applicant may appeal the selection of the outside consultant to the Board of Selectmen, who may only disqualify the outside consultant selected on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue or a related field. Such an appeal must be in writing and received by the Board of Selectmen and a copy received by the Planning Board, so as to be received within ten (10) days of the date consultant fees were requested by the Planning Board. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.

**Return of Unspent Fees.** When the Planning Board's review of a project is completed and a permit is issued or denied, any balance in the special account attributable to that project shall be returned within 30 days. The excess amount, including interest, shall be repaid to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Planning Board with appropriate documentation. A final report of said account shall be made available to the applicant or applicant's successor in interest.